

COMMERCIAL REMOTE SENSING AMENDMENT ACT OF
2022

JULY 1, 2022.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Ms. JOHNSON of Texas, from the Committee on Science, Space, and
Technology, submitted the following

R E P O R T

[To accompany H.R. 6845]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, Space, and Technology, to whom was
referred the bill (H.R. 6845) to provide for transparent licensing of
commercial remote sensing systems, having considered the same,
reports favorably thereon with an amendment and recommends
that the bill as amended do pass.

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I. AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commercial Remote Sensing Amendment Act of 2022”.

SEC. 2. ANNUAL REPORTS.

(a) DEADLINES.—

(1) IN GENERAL.—Section 60121(c) of title 51, United States Code, is amended by striking “120” and inserting “60”.

(2) CONFORMING AMENDMENT.—Section 60126(a)(1)(E) of title 51, United States Code, is amended by striking “120” and inserting “60”.

(b) NOTIFICATIONS.—Section 60126(a)(2) of title 51, United States Code, is amended by striking “section 60122; and” and inserting “paragraphs (5) and (6) of section 60122(b);”.

(c) CONDITIONS.—Section 60126(a) of title 51, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) all terms, conditions, or restrictions placed on licensees pursuant to section 60122; and”.

(d) TIERS.—Section 60126(a)(1) of title 51, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by inserting “and” at the end; and

(3) by adding at the end the following:

“(F) a list of all applications submitted and licenses granted in accordance therewith, listed by tier as defined in regulation, as well as the rationale for each tier categorization;”.

(e) SUNSET.—Section 60126 of title 51, United States Code, is amended by striking “September 30, 2020” and inserting “September 30, 2030”.

II. PURPOSE OF THE BILL

The purpose of the bill is to provide for transparent licensing of private remote sensing systems and to amend reporting requirements on the licenses.

III. BACKGROUND AND NEED FOR THE LEGISLATION

The National Oceanic and Atmospheric Administration grants licenses for private remote sensing systems to operate in orbit. Recent updates to regulations reduced the number of days allotted for the National Oceanic and Atmospheric Administration to review license applications and issue licenses, and these changes need to be reflected in statute. In addition, reporting requirements need to be updated to allow the Committee’s continued oversight of this critical function and to enable the continued growth of the commercial remote sensing industry.

IV. COMMITTEE HEARINGS

Pursuant to House Rule XIII, clause 3(c)(6), the Committee designates the following hearing as having been used to develop or consider this legislation:

May 18, 2021, the Committee held a hearing entitled “NASA’s Earth Science and Climate Change Activities: Current Roles and Future Opportunities.” The following witnesses testified:

- Dr. Karen M. St. Germain, Division Director, Earth Sciences Division, Science Mission Directorate, NASA
- Dr. Gavin Schmidt, Senior Climate Advisor (Acting) and Director of Goddard Institute for Space Studies, NASA

- Mr. Riley Duren, Research Scientist, Office of Research, Innovation, and Impact, University of Arizona; Chief Executive Officer, Carbon Mapper, Inc.
- Mr. Robbie Schingler, Co-Founder and Chief Strategy Officer, Planet

V. COMMITTEE CONSIDERATION AND VOTES

On February 24, 2022, Ranking Member Frank Lucas, for himself, and Representative Ed Perlmutter introduced H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022*, to provide more transparency in the licensing of commercial remote sensing systems.

The Committee on Science, Space, and Technology met to consider H.R. 6845 on Tuesday April 5, 2022. Mr. Beyer offered an amendment to require the National Oceanic and Atmospheric Administration to include in its required annual reports to Congress a list of all applications submitted and licenses granted, and to maintain and extend a sunset date on the department's requirement to provide annual reports on licenses until September 30, 2030 so that Congress can review its information needs on private remote sensing licensing again as it continues to carry out oversight. *The amendment was agreed to on a voice vote.* With a quorum present, Chairwoman Johnson moved that the Committee favorable report the bill, H.R. 6845, as amended, to the House with the recommendation that the bill be approved. *The motion was agreed to by a voice vote.*

VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

Shortens the deadline for the National Oceanic and Atmospheric Administration to respond to commercial remote sensing applications from 120 to 60 days to align with new licensing rules and amends Congressional reporting requirements to include a list of how all license applications were adjudicated and to amend the contents of an annual report to include a list of license applications received and awarded as well as the tier assigned to each license, and any restrictions on each license, and to maintain and extend the date of the sunset on the annual report to September 30, 2030.

VII. SECTION-BY-SECTION ANALYSIS (BY TITLE AND SECTION)

Section 1. Short title

Commercial Remote Sensing Amendment Act of 2022.

Section 2. Annual Reports

(a) Shortens deadlines for the National Oceanic and Atmospheric Administration to review commercial remote sensing licenses from 120 to 60 days.

(b) Requires the National Oceanic and Atmospheric Administration to report to Congress on licensees that furnished the National Oceanic and Atmospheric Administration with complete orbit and data collection characteristics of the system and to report on any licensees that enter into any significant agreement with a foreign nation, entity, or consortium involving foreign nations or entities.

(c) Requires that the National Oceanic and Atmospheric Administration report to Congress on all terms, conditions, or restrictions placed on licensees.

(d) Requires that the National Oceanic and Atmospheric Administration report to Congress a list of all license applications submitted and granted listed by tier as well as the rationale for each tier categorization.

(e) Requires that the National Oceanic and Atmospheric Administration continue reporting to Congress on licensing activities until September 30, 2030.

VIII. COMMITTEE VIEWS

The Land Remote Sensing Policy Act of 1992, codified in Chapter 601 of Title 51 of the U.S. Code, tasked the Secretary of Commerce with licensing and regulating private remote sensing space systems. Title 2 of the Commercial Space Launch Competitiveness Act of 2015 established an annual report and sunset the reporting requirement on September 30, 2020. On May 20, 2020, the Department of Commerce updated the regulations for commercial remote sensing activities. Continuation of the reporting requirement would keep Congress informed of agency actions on licensing, the impact on licensees, and the state of the commercial remote sensing industry.

IX. COST ESTIMATE

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

X. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 27, 2022.

Hon. EDDIE BERNICE JOHNSON,
Chairwoman, Committee on Science, Space, and Technology,
House of Representatives, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6845, the Commercial Remote Sensing Amendment Act of 2022.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 6845, Commercial Remote Sensing Amendment Act of 2022			
As ordered reported by the House Committee on Science, Space, and Technology on April 5, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 6845 would lower from 120 days to 60 days the time allowed for the National Oceanic and Atmospheric Administration (NOAA) to review applications for entities seeking licenses to operate remote-sensing spacecraft, and thus codify current regulations that call for a 60-day review period. (Remote-sensing spacecraft are satellites that collect unenhanced images of the Earth that can be processed into imagery of the features of the Earth's surface.) The bill also would amend and extend, through 2030, NOAA's annual reporting requirements on the number and timeliness of such reviews.

Because the changes to NOAA's reporting requirements would be minimal, CBO estimates that implementing H.R. 6845 would have no significant cost over the 2022–2027 period. Any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

XI. FEDERAL MANDATES STATEMENT

H.R. 6845 contains no unfunded mandates.

XII. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

The Committee's oversight findings and recommendations are reflected in the body of this report.

XIII. STATEMENT ON GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goal of this legislation is to align statute with revised licensing rules that decrease the length of time required for National Oceanic and Atmospheric Administration to review commercial remote sensing applications and to extend and clarify Congressional reporting requirements for this licensing.

XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 6845 does not create any advisory committees.

XV. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 6845 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XVI. EARMARK IDENTIFICATION

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 6845 contains no earmarks, limited tax benefits, or limited tariff benefits.

XVII. APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 6845 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

XVIII. STATEMENT ON PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any state, local, or tribal law.

XIX. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 51, UNITED STATES CODE

* * * * *

SUBTITLE VI—EARTH OBSERVATIONS

* * * * *

CHAPTER 601—LAND REMOTE SENSING POLICY

* * * * *

SUBCHAPTER III—LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS

§ 60121. General licensing authority

(a) LICENSING AUTHORITY OF SECRETARY.—

(1) IN GENERAL.—In consultation with other appropriate United States Government agencies, the Secretary is authorized to license private sector parties to operate private remote sensing space systems for such period as the Secretary may

specify and in accordance with the provisions of this subchapter.

(2) LIMITATION WITH RESPECT TO SYSTEM USED FOR OTHER PURPOSES.—In the case of a private space system that is used for remote sensing and other purposes, the authority of the Secretary under this subchapter shall be limited only to the remote sensing operations of such space system.

(b) COMPLIANCE WITH LAW, REGULATIONS, INTERNATIONAL OBLIGATIONS, AND NATIONAL SECURITY.—

(1) IN GENERAL.—No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply with the requirements of this chapter, any regulations issued pursuant to this chapter, and any applicable international obligations and national security concerns of the United States.

(2) LIST OF REQUIREMENTS FOR COMPLETE APPLICATION.—The Secretary shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this subchapter. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.

(c) DEADLINE FOR ACTION ON APPLICATION.—The Secretary shall review any application and make a determination thereon within **[120]** 60 days of the receipt of such application. If final action has not occurred within such time, the Secretary shall inform the applicant of any pending issues and of actions required to resolve them.

(d) IMPROPER BASIS FOR DENIAL.—The Secretary shall not deny such license in order to protect any existing licensee from competition.

(e) REQUIREMENT TO PROVIDE UNENHANCED DATA.—

(1) DESIGNATION OF DATA.—The Secretary, in consultation with other appropriate United States Government agencies and pursuant to paragraph (2), shall designate in a license issued pursuant to this subchapter any unenhanced data required to be provided by the licensee under section 60122(b)(3) of this title.

(2) PRELIMINARY DETERMINATION.—The Secretary shall make a designation under paragraph (1) after determining that—

(A) such data are generated by a system for which all or a substantial part of the development, fabrication, launch, or operations costs have been or will be directly funded by the United States Government; or

(B) it is in the interest of the United States to require such data to be provided by the licensee consistent with section 60122(b)(3) of this title, after considering the impact on the licensee and the importance of promoting widespread access to remote sensing data from United States and foreign systems.

(3) CONSISTENCY WITH CONTRACT OR OTHER ARRANGEMENT.—A designation made by the Secretary under paragraph (1) shall not be inconsistent with any contract or other arrangement entered into between a United States Government agency and the licensee.

* * * * *

§ 60126. Annual reports

(a) IN GENERAL.—The Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives not later than 180 days after the date of enactment of the U.S. Commercial Space Launch Competitiveness Act, and annually thereafter, on—

(1) the Secretary's implementation of section 60121, including—

(A) a list of all applications received in the previous calendar year;

(B) a list of all applications that resulted in a license under section 60121;

(C) a list of all applications denied and an explanation of why each application was denied, including any information relevant to the interagency adjudication process of a licensing request;

(D) a list of all applications that required additional information; **and**

(E) a list of all applications whose disposition exceeded the **[120]** 60 day deadline established in section 60121(c), the total days overdue for each application that exceeded such deadline, and an explanation for the delay; *and*

(F) a list of all applications submitted and licenses granted in accordance therewith, listed by tier as defined in regulation, as well as the rationale for each tier categorization;

(2) all notifications and information provided to the Secretary under **[section 60122; and]** *paragraphs (5) (6) of section 60122(b);*

(3) all terms, conditions, or restrictions placed on licensees pursuant to section 60122; and

[(3)] *(4) a description of all actions taken by the Secretary under the administrative authority granted by paragraphs (4), (5), and (6) of section 60123(a).*

(b) CLASSIFIED ANNEXES.—Each report under subsection (a) may include classified annexes as necessary to protect the disclosure of sensitive or classified information.

(c) SUNSET.—The reporting requirement under this section terminates effective **[September 30, 2020]** *September 30, 2030.*

* * * * *

XX. PROCEEDINGS OF THE FULL COMMITTEE MARKUP

Ms. {Johnson.} Welcome to today's markup of five bipartisan bills. The first bill we consider is the H.R. 6845, the Commercial Remote Sensing Amendment Act of 2022, which was introduced by Ranking Member Lucas and Mr. Perlmutter. This bill would amend current statute to provide for more transparency in the U.S. com-

mercial space remote sensing licensing process. H.R. 6845 helps provide this Committee and the Congress with the necessary information to carry out its oversight function and to monitor the implementation of regulations of the U.S. commercial remote sensing industry, including any impacts on the industry's competitiveness. H.R. 6845 is a good government bill and helps ensure transparency in the licensing of commercial remote sensing systems.

Mr. {Lucas.} Thank you, Madam Chair. H.R. 6845, the Commercial Remote Sensing Amendment Act of 2022, is the product of positive bipartisan cooperation with my friend Mr. Perlmutter from Colorado. I would—it would update reporting requirements for NOAA's Office of Commercial Remote Sensing Regulatory Affairs to align with the new regulatory process adopted in 2020. The commercial remote sensing industry is getting a lot of attention these days. The world can watch Russia's invasion of Ukraine from a vantage point once reserved for intelligence agencies. Commercial satellites allowed the world and Ukraine to view Russia's buildup on the border with Ukraine and refute Russia's claims of redeployment ahead of its invasion. And they continue to provide transparency in a conflict that is fraught with propaganda. But commercial remote sensing is much more than this. It also provides critical information to many other fields like agriculture, finance, trade, energy. This in turn helps us be better stewards of our resources. Imagery and data from commercial remote sensing increases crop yields by helping farmers efficiently apply water and fertilizer. It informs the future commodity prices by accurately monitoring growth, weather, and health. It also helps track commercial and assess the impacts of land use. Commercial remote sensing aids in disaster preparation and response by informing floodplain mapping, tornado tracking, drought monitoring, topics that are very important to the people of Oklahoma. It is also useful for humanitarian aid efforts, relief efforts, and monitoring treaty compliance and many, many other important applications. The bill before us today ensures that Congress continues to receive updates on how the industry is regulated so we can ensure that the United States remains the global leader in this important field. In today's world, innovation companies have options for where they decide to locate. Maintaining a competitive regulatory environment will keep companies in the United States rather than going overseas. I'd like to thank my good friend Mr. Perlmutter for cosponsoring this bill, as well as Chairwoman Johnson and Chairman Baird for considering it today. I hope my colleagues will support the important bill, and I reserve the balance of my time or yield back.

Mr. {Perlmutter.} Thank you, Madam Chair. I move to strike the last word. I want to thank my friend from Oklahoma, and I echo his remarks. This is about making available to the commercial world a number of images that really had been classified and kept from the public for a long time, and so there is a balance between the need for the national security and classified nature of much of this work, as well as then opening it up to fields like transportation, agriculture, humanitarian needs. And some may remember I was the lead Democrat in cosponsoring the original Remote Sensing Act of 2015 with then Representative Jim Bridenstine to create these reporting requirements we are reauthorizing and expanding today. The United States remote sensing industry is the world

leader in providing timely, quality, and actionable imagery of the Earth. The goal through our legislation in 2015, which we continue here today, is to ensure that the Department of Commerce is properly adjudicating remote sensing applications and supporting the industry broadly as they work through complex interagency process with the Department of Defense and the intelligence community. This bill makes commonsense updates to the reporting requirements based on the updated regulations issued in 2020. I was glad to see the regulatory updates in 2020, but it's the implementation of those regulations which will determine how successful these new rules will be and how well the Department of Commerce is carrying out its role to support the leadership of the U.S. remote sensing industry. And I'm pleased to have been working with the Department of Commerce, which really is focused on this particular subject. So I thank my friend Ranking Member Lucas, again, for working with me on this legislation and allowing me to be his cosponsor, and I urge all my colleagues to support this bill and I yield back.

Mr. {Foster.} Thank you, ma'am—Madam Chair. I'm excited to see a wide array of bipartisan legislation in today's markup, including the Commercial Remote Sensing Amendment Act by Representatives Lucas and Perlmutter, which I support for the reasons that they cited and would urge my colleagues to support as well. I'd also like to note that the existence of commercial remote satellite imagery has proven very useful to the free world in trying to deal with the conflict in the Ukraine.

Ms. {Lofgren.} The gentleman yields back. Do other members seek recognition on the underlying bill? Seeing none, we'll proceed with the amendments in the order of the roster. The first amendment on the roster is an amendment offered by the gentleman from Virginia, Mr. Beyer, who is now recognized to offer his amendment.

Mr. {Beyer.} Thank you, Madam Chair. I have an amendment with the clerk.

Ms. {Lofgren.} The clerk will report the amendment.

The {Clerk.} Amendment to H.R. 6845—

Ms. {Lofgren.} I unanimous consent to dispense with the reading, and without objection, that is so ordered. And the gentleman is recognized for 5 minutes to explain the amendment.

Mr. {Beyer.} Thank you, Madam Chair, very much. I'd like to thank Ranking Member Lucas and my friend Congressman Perlmutter for allowing me to offer this poison pill amendment. Yes, the space-based commercial remote sensing is an innovative, growing industry, and according to a report released last year by the Satellite Industry Association, global commercial remote sensing services revenues grew every year from 2016 to 2020, and by 12 percent in 2019 to '20 alone to \$2.6 billion. Commercial remote sensing is also a highly competitive global industry. It's important that our regulations and laws governing the U.S. commercial remote sensing sector are responsive to the rapid paces of changes in technology and ensure that the United States remains at the forefront of this industry while also ensuring the protection of our national security and the meeting of international obligations. So thank you, Mr. Lucas, Mr. Perlmutter, for introducing this Commercial Remote Sensing Act of 2022, which increases transparency in the Department of Commerce's commercial remote sensing licensing process. This act will ensure that this Committee gets the

information we need to understand and conduct oversight over that process. So my amendment offers two minor changes to H.R. 6845, to further that the legislation can achieve its worthy goals. First change is really a technical one but serves to further improve the reporting requirement of the underlying bill by ensuring that Congress sees the tier designation as defined in recently updated regulations, a sign not only that each submitted application but also that each license ultimately granted by the Secretary of Commerce. The second change included in my amendment would sustain the sunset of the Congressional reporting requirement and change its current date from September 30th, 2020, a year and a half ago, to September 30th, 2030. This sunset is important to ensure that we go back and update the law so that the required report provides the Committee with the necessary data and information on any future changes to the licensing process or regulations as this industry rapidly grows and evolves. Just as the previous sunset helped provide Congress an opportunity to act through this very piece of legislation, I believe that continuing to maintain a sunset clause will provide a future trigger for Congress to review the commercial remote sensing licensing statute and reporting requirements again. Again, I thank Mr. Lucas and Mr. Perlmutter for introducing this. My amendment will strengthen the underlying text to provide more transparency and continued oversight of the U.S. commercial remote sensing licensing process. Thank you, and I yield back the balance of my time.

Ms. {Lofgren.} The gentleman yields back. Do other members wish to be heard on the amendment? Hearing none, is there—there's no further discussion, the vote occurs on the amendment. All in favor will say aye. All opposed will say no. The ayes have it, and the amendment is agreed to. Are there additional amendments being offered? If not, a reporting quorum being present, I move the Committee on Science, Space, and Technology report H.R. 6845, as amended, to the House with the recommendation that the bill be approved. Those in favor of the motion will signify by saying aye. Opposed will say no. The ayes have it. The bill is favorably reported. Members will have 2 subsequent calendar days in which to submit supplemental minority or additional views on the measure.

**MARKUPS: H.R. 3588, MATHEMATICAL AND
STATISTICAL MODELING EDUCATION ACT;
H.R. 3952, NOAA CHIEF SCIENTIST ACT; H.R.
6845, COMMERCIAL REMOTE SENSING
AMENDMENT ACT OF 2022; H.R. 6933, COST-
SHARE ACCOUNTABILITY ACT OF 2022; H.R.
7077, EMPOWERING THE U.S. FIRE ADMINIS-
TRATION ACT**

MARKUP

BEFORE THE

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

OF THE

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

APRIL 5, 2022

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**H.R. 6845, COMMERCIAL REMOTE SENSING
AMENDMENT ACT OF 2022**

H.R. 3952, NOAA CHIEF SCIENTIST ACT

**H.R. 7077, EMPOWERING THE U.S. FIRE
ADMINISTRATION ACT**

**H.R. 3588, MATHEMATICAL AND STATISTICAL
MODELING EDUCATION ACT**

**H.R. 6933, COST-SHARE ACCOUNTABILITY ACT
OF 2022**

TUESDAY, APRIL 5, 2022

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, D.C.

The Committee met, pursuant to notice, at 10:04 a.m., in room 2318 of the Rayburn House Office Building, Hon. Eddie Bernice Johnson [Chairwoman of the Committee] presiding.

Chairwoman JOHNSON. Thank you very much, and good morning to everyone. The Committee will come to order. And without objection, the Chair is authorized to declare a recess at any time.

Pursuant to Committee rule, the House rule XI, the Chair announces that she may postpone roll call votes.

Today, the Committee is meeting both in person and virtually. I want to announce a couple reminders to the Members about the conduct of the hearing. First, the Members and staff who are attending in person may choose to be masked, but it is not a requirement. However, any individuals with symptoms or a positive test or exposure to someone with COVID-19 should wear a mask while present.

Members who are attending virtually should keep their video feed on as long as they are present in the hearing. Members are responsible for their own microphones. And please also keep your microphones muted until you are speaking.

Finally, if Members have documents they wish to submit to the record, please email them to the Committee Clerk, whose email address was circulated prior to the meeting.

Pursuant to notice, the Committee meets to consider the following measures: H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022*; H.R. 3952, the *NOAA Chief Scientist Act*; H.R. 7077, *Empowering the U.S. Fire Administration Act*; H.R. 3588, the *Mathematical and Statistical Modeling and Education Act*; and finally, H.R. 6933, the *Cost-Share Accountability Act of 2022*. Thank you very much.

Welcome to today's markup of five bipartisan bills. The first bill we consider is H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022*, which was introduced by Ranking Member Lucas and Mr. Perlmutter. This bill would amend current statute to provide for more transparency in the U.S. commercial space remote sensing licensing process. H.R. 6845 helps provide this Committee and the Congress with the necessary information to carry out its oversight function and to monitor the implementation of regulations of the U.S. commercial remote sensing industry, including any impacts on the industry's competitiveness. H.R. 6845 is a good-government bill and helps to ensure transparency in the licensing of commercial remote sensing systems.

Next, we will consider H.R. 3952, the *NOAA Chief Scientist Act*. I want to thank our Environment Subcommittee Chairwoman Mikie Sherrill for introducing this bipartisan legislation along with Research Subcommittee Ranking Member Randy Feenstra. This legislation sets strong scientific qualifications for the Chief Scientist position. The bill outlines additional responsibilities of the Chief Scientist in NOAA (National Oceanic and Atmospheric Administration). It is—it also elevates the importance of the Chief Scientist and his or her role in upholding scientific integrity and advancing science and technology at the agency. And finally, the bill establishes an Office of the Chief Scientist, as well as the position of Deputy Chief Scientist. I support the passage of this *NOAA Chief Scientist Act* and urge my colleagues to do the same.

The next bill we have to mark up is H.R. 7077, *Empowering the U.S. Fire Administration Act*, sponsored by Representative Ritchie Torres and cosponsored by several Members of the Committee. This bipartisan bill authorizes the U.S. Fire Administration (USFA) to conduct onsite investigations of major fires. Despite advances in fire codes, loss of life from building fires still occurs far too frequently. A tragic fire in Representative Torres' New York district in January claimed seventeen victims, including eight children. This bill would help bring to bear the expertise of the U.S. Fire Administration following major fires to contribute to what we can learn from these fires and how we can prevent them from occurring in the future. I urge my colleagues to support this important bill.

I want to thank Representatives Houlahan and Baird for sponsoring our next bill, H.R. 3588, the *Mathematical and Statistical Modeling Education Act*. Improving access to high-quality STEM (science, technology, engineering, and mathematics) education remains a top priority for this Committee. Every two years the National Assessment of Education Progress reminds us that we're—what we're doing now is not working for the majority of our Na-

tion's students. This bill will advance innovations to incorporate mathematical modeling across K through twelve curricula and ground those lessons in a real-world context. This will empower students to see mathematics as a tool they can use to solve the problems they see in their communities. We know this both increases learning and inspires more students to pursue STEM careers. I urge my colleagues to support this important bill.

Finally, we will consider H.R. 6933, the *Cost-Share Accountability Act of 2022*, which was introduced by Investigations and Oversight Subcommittee Ranking Member Mr. Obernolte and Chairman Foster. This is a commonsense bill to ensure that Congress is kept informed about instances where cost-share requirements at the Department of Energy (DOE) are reduced or eliminated. This is a straightforward, good-government bill, and I support its passage.

I look forward to a productive markup today, and I hope to be back in the hearing room very soon. I must tell you that my surgery and rehabilitation is going very well, but now I am going to pass the gavel to Ms. Lofgren, our distinguished Vice Chair—excuse me, to chair the remainder of this markup. Thank you, Chairwoman.

[The prepared statement of Chairwoman Johnson follows:]

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I look forward to a productive markup today, and I hope to be back in the hearing room very soon. But now I am going to pass the gavel over to Ms. Lofgren to chair the remainder of this markup.

Ms. LOFGREN [presiding]. Thank you, Chairwoman Johnson. And it's—I'm glad that your recovery is going so well, and I want to thank you for your opening statement.

I will simply say that I support all of these bipartisan bills today, and I look forward to a productive markup. And I will place a full statement in the record. I now recognize the Ranking Member for any opening remarks he would like to make.

Mr. LUCAS. Thank you, and thank you, Chairwoman Johnson, for holding today's markup. And I look forward to my colleague being back at this dais with us in very short time to continue to work on the Nation's business.

This morning, we will consider five bipartisan bills. These are what I call workhorse bills instead of show-horse bills, the great examples of consensus work we can do across the aisle to improve American science and research.

Our first bill is the *Commercial Remote Sensing* bill amendment, which I sponsored, and I'll go into more detail when we consider the bill. But for now, I'd like to thank Representative Perlmutter for working with me to support this growing industry.

Next on the docket is a bill to codify the role of Chief Scientist at NOAA. The Chief Scientist plays an important role at NOAA, advising the Administrator, providing scientific advice, and leading scientific integrity efforts. The Chief Scientist has long been a critical position at NOAA, and this bill simply recognizes the value of that role by making its current duties and responsibilities law. It also places a process in place for naming an acting Chief Scientist when the role is empty. In short, it ensures NOAA and its leadership will continue to receive the best scientific advice as they conduct all of NOAA's important missions around environmental and weather research, monitoring, prediction, and restoration. I'd like to thank Representative Sherrill for sponsoring this bill and Representative Feenstra for leading the Republican side.

Next up is a bill to empower the U.S. Fire Administration. The Fire Administration is housed within FEMA (Federal Emergency Management Agency), and it helps to strengthen our ability to prevent and respond to fires through research and education. This bill will make it easier for the U.S. Fire Administration to provide their expertise to local authorities by granting it the authority to spend specialists, researchers, investigators, fire protection engineers to assist with investigations of major fires. The U.S. Fire Administration has valuable resources in preventing, responding to, and investigating fires, and this bill ensures that State and local governments can access their knowledge and hopefully prevent major fires

in the future. I want to thank Representative Torres for his work on this, as well as the original cosponsors from our Committee, Representative Stevens, Meijer, and Gonzalez.

Following that bill, we'll consider the *Mathematical and Statistical Modeling Education Act*, which will help improve STEM education for U.S. students. Mathematics and statistical modeling is a skill set with broad applications across all STEM fields and even the social sciences. Statistical modeling can help us describe past events, understand current developments, and predict future outcomes. Teaching advanced modeling will prepare students to work with complex data sets. That in turn sets us up for more competitive, flexible work force. I'd like to express my appreciation to Representative Houlahan and Representative Baird for bringing this before the Committee.

Finally, we'll consider the *Cost-Share Accountability Act*. This is a good-government bill meant to improve accountability and transparency. It requires the Department of Energy to submit reports to Congress detailing when it has decided to modify or eliminate cost-sharing requirements for its research, development, demonstration, and commercial application activities. It doesn't hinder DOE's ability to modify cost-sharing requirements when necessary. Instead, it just makes those decisions transparent and publicly available. This in turn makes it easier for Congress to conduct oversight. It's a smart policy, and I thank Representative Obernolte for developing this bill following oversight hearings on this authority last year and Representative Foster for working across the aisle with him. I'm looking forward to a relatively quick markup today because of the bipartisan nature and thorough vetting of each bill under consideration.

With that, I'll end my remarks so we can get back to work. Thank you, Madam Chair.

[The prepared statement of Mr. Lucas follows:]

Thank you, Chairwoman Johnson, for holding today's markup. This morning we will consider five bipartisan bills. These are what I'd call workhorse bills instead of show horse bills. They're great examples of the consensus work we can do across the aisle to improve American science and research.

Our first bill is the Commercial Remote Sensing Amendment, which I sponsored. I'll go into more detail when we consider that bill, but for now I'd like to thank Rep. Perlmuter for working with me to support this growing industry.

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I'm looking forward to a relatively quick markup today because of the bipartisan nature and thorough vetting of each bill under consideration. With that, I'll end my remarks so we can get to work.

Ms. LOFGREN. Thank you, Mr. Ranking Member.

Other Members are—may put their opening remarks into the record.

[The prepared statement of Ms. Lofgren follows:]

Good morning everyone, I'm glad to begin this markup of five bipartisan bills. Today we will consider H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022*; H.R. 3952, the *NOAA Chief Scientist Act*; H.R. 7077, the *Empowering the U.S. Fire Administration Act*; H.R. 3588, the *Mathematical and Statistical Modeling Education Act*; and H.R. 6933, the *Cost-Share Accountability Act of 2022*.

Ranking Member Lucas and Mr. Perlmutter's H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022*, will help to bring more transparency in our U.S. commercial space remote licensing process. This bill will allow for this Committee and Congress to carry out its critical oversight function of the U.S. commercial remote sensing industry and will build transparency in the licensing of these systems.

Up next is H.R. 3952, the *NOAA Chief Scientist Act*. This legislation was introduced by Chairwoman Mikie Sherrill of the Subcommittee on Environment and Research and Technology Subcommittee Ranking Member Randy Feenstra. This bill will help shape a strong Chief Scientist position at NOAA, and emphasizes the importance of upholding scientific integrity. The bill also establishes both an Office of the Chief Scientist and the position of Deputy Chief Scientist. As a Members of this Committee, we understand how critically important it is to uphold scientific integrity, especially at our federal science facilities.

Third we will consider H.R. 7077, the *Empowering the U.S. Fire Administration Act*, which was sponsored by Representative Ritchie Torres of New York. This bipartisan bill will authorize the U.S. Fire Administration to conduct investigations of major fires on-site. We must be able to learn from tragic events like fires so we can work to make sure they don't happen again, and this bill will help to do just that.

Next will be H.R. 3588, the *Mathematical and Statistical Modeling Education Act*. This bill was brought forth by Representatives Houlahan and Baird to coordinate Federal research and development efforts to help scale up and modernize STEM education through mathematical and statistical modeling. In order to build a strong and diverse STEM workforce, we have to ensure students are well-equipped with the evolving needs of the future.

The last bill we will consider today is H.R. 6933, the *Cost-Share Accountability Act of 2022*. This bill, which was introduced by Investigations and Oversight Subcommittee Ranking Member Obernolte and Chairman Foster, will ensure Congress stays up to date on information regarding changes in cost-share requirements at the Department of Energy.

I'm confident we have a productive markup in front of us. From upholding scientific integrity at NOAA, making sure we learn from major fires and work to prevent them, improving access to high-quality STEM education, and more, we have five great bills to consider. I'm looking forward to moving each of these bills through the Committee today.

Thank you.

Ms. LOFGREN. We will now consider H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022*. The Clerk will report the bill.

The CLERK. H.R. 6845, a bill——
[The bill follows:]

117TH CONGRESS
2D SESSION

H. R. 6845

To provide for transparent licensing of commercial remote sensing systems.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2022

Mr. LUCAS (for himself and Mr. PERLMUTTER) introduced the following bill;
which was referred to the Committee on Science, Space, and Technology

A BILL

To provide for transparent licensing of commercial remote
sensing systems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commercial Remote
5 Sensing Amendment Act of 2022”.

6 **SEC. 2. ANNUAL REPORTS.**

7 (a) DEADLINES.—

8 (1) IN GENERAL.—Section 60121(c) of title 51,
9 United States Code, is amended by striking “120”
10 and inserting “60”.

1 (2) CONFORMING AMENDMENT.—Section
2 60126(a)(1)(E) of title 51, United States Code, is
3 amended by striking “120” and inserting “60”.

4 (b) NOTIFICATIONS.—Section 60126(a)(2) of title
5 51, United States Code, is amended by striking “section
6 60122; and” and inserting “paragraphs (5) and (6) of sec-
7 tion 60122(b);”.

8 (c) CONDITIONS.—Section 60126(a) of title 51,
9 United States Code, is amended—

10 (1) by redesignating paragraph (3) as para-
11 graph (4);

12 (2) in paragraph (2), by striking “and” at the
13 end; and

14 (3) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) all terms, conditions, or restrictions placed
17 on licensees pursuant to section 60122; and”.

18 (d) TIERS.—Section 60126(a)(1) of title 51, United
19 States Code, is amended—

20 (1) in subparagraph (D), by striking “and” at
21 the end;

22 (2) in subparagraph (E), by inserting “and” at
23 the end; and

24 (3) by adding at the end the following:

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1 “(F) a list of all applications, listed by tier
2 as defined in regulation, as well as the rationale
3 for each tier categorization;”.

4 (e) SUNSET.—Section 60126 of title 51, United
5 States Code, is amended by striking subsection (c).

○

Ms. LOFGREN. Without objection, the bill is considered as read and open to amendment at any point.

Is anyone wishing to be recognized to speak on the underlying bill?

Mr. LUCAS. Madam Chair?

Ms. LOFGREN. Yes, Mr. Lucas.

Mr. LUCAS. Thank you, Madam Chair. H.R. 6845, the *Commercial Remote Sensing Amendment Act of 2022*, is the product of positive bipartisan cooperation with my friend Mr. Perlmutter from Colorado. I would—it would update reporting requirements for NOAA's Office of Commercial Remote Sensing Regulatory Affairs to align with the new regulatory process adopted in 2020.

The commercial remote sensing industry is getting a lot of attention these days. The world can watch Russia's invasion of Ukraine from a vantage point once reserved for intelligence agencies. Commercial satellites allowed the world and Ukraine to view Russia's buildup on the border with Ukraine and refute Russia's claims of redeployment ahead of its invasion. And they continue to provide transparency in a conflict that is fraught with propaganda.

But commercial remote sensing is much more than this. It also provides critical information to many other fields like agriculture, finance, trade, energy. This in turn helps us be better stewards of our resources. Imagery and data from commercial remote sensing increases crop yields by helping farmers efficiently apply water and fertilizer. It informs the future commodity prices by accurately monitoring growth, weather, and health. It also helps track commercial and assess the impacts of land use. Commercial remote sensing aids in disaster preparation and response by informing floodplain mapping, tornado tracking, drought monitoring, topics that are very important to the people of Oklahoma. It is also useful for humanitarian aid efforts, relief efforts, and monitoring treaty compliance and many, many other important applications.

The bill before us today ensures that Congress continues to receive updates on how the industry is regulated so we can ensure that the United States remains the global leader in this important field. In today's world, innovation companies have options for where they decide to locate. Maintaining a competitive regulatory environment will keep companies in the United States rather than going overseas.

I'd like to thank my good friend Mr. Perlmutter for cosponsoring this bill, as well as Chairwoman Johnson and Chairman Baird for considering it today. I hope my colleagues will support the important bill, and I reserve the balance of my time or yield back.

Ms. LOFGREN. The gentleman yields back. Mr. Perlmutter is recognized.

Mr. PERLMUTTER. Thank you, Madam Chair. I move to strike the last word.

I want to thank my friend from Oklahoma, and I echo his remarks. This is about making available to the commercial world a number of images that really had been classified and kept from the public for a long time, and so there is a balance between the need for the national security and classified nature of much of this work, as well as then opening it up to fields like transportation, agriculture, humanitarian needs.

And some may remember I was the lead Democrat in cosponsoring the original *Commercial Remote Sensing Act of 2015* with then Representative Jim Bridenstine to create these reporting requirements we are reauthorizing and expanding today. The United States remote sensing industry is the world leader in providing timely, quality, and actionable imagery of the Earth. The goal through our legislation in 2015, which we continue here today, is to ensure that the Department of Commerce is properly adjudicating remote sensing applications and supporting the industry broadly as they work through complex interagency process with the Department of Defense and the intelligence community.

This bill makes commonsense updates to the reporting requirements based on the updated regulations issued in 2020. I was glad to see the regulatory updates in 2020, but it's the implementation of those regulations which will determine how successful these new rules will be and how well the Department of Commerce is carrying out its role to support the leadership of the U.S. remote sensing industry. And I'm pleased to have been working with the Department of Commerce, which really is focused on this particular subject.

So I thank my friend Ranking Member Lucas, again, for working with me on this legislation and allowing me to be his cosponsor, and I urge all my colleagues to support this bill and I yield back.

Ms. LOFGREN. The gentleman yields back. Mr. Foster is recognized.

Mr. FOSTER. Thank you, ma'am—Madam Chair. I'm excited to see a wide array of bipartisan legislation in today's markup, including the *Commercial Remote Sensing Amendment Act* by Representatives Lucas and Perlmutter, which I support for the reasons that they cited and would urge my colleagues to support as well.

I'd also like to note that the existence of commercial remote satellite imagery has proven very useful to the free world in trying to deal with the conflict in the Ukraine.

Due to a busy day on the Hill, I also want to make sure I have a chance to speak about H.R. 6933, the *Cost-Share Accountability Act*, which Representative Obernolte and I introduced and is also being marked up today. I'd like to thank Representative Obernolte for his leadership on this legislation. As Chair and Ranking Members of the Oversight and Investigations Committee, Representative Obernolte and I have found that Congress—for Congress to fulfill our oversight responsibilities, we must be able to access information about how our departments and agencies are operating.

Back in October, Representatives Obernolte, Bowman, Weber, and I led joint hearings which discussed best practices and principles for financial assistance agreements with acting Assistant Secretary for the Office of Nuclear Energy. Such hearings are an excellent oversight tool. This legislation, which requires reports for the Department's use of cost-sharing, adds yet another layer of information for us to utilize.

This legislation is a fundamental good governance, a next step in increasing the transparency of the Department of Energy's use of cost-sharing practices, so I'm looking forward to working with the Department of Energy to make sure the Congress understands how cost-sharing is implemented in support of the Department's

projects. So I urge my colleagues to support both H.R. 6933 and H.R. 6845, and I yield back.

Ms. LOFGREN. The gentleman yields back. Do other Members seek recognition on the underlying bill?

Seeing none, we'll proceed with the amendments in the order of the roster. The first amendment on the roster is an amendment offered by the gentleman from Virginia, Mr. Beyer, who is now recognized to offer his amendment.

Mr. BEYER. Thank you, Madam Chair. I have an amendment with the Clerk.

Ms. LOFGREN. The Clerk will report the amendment.

The CLERK. Amendment to H.R. 6845——

[The amendment of Mr. Beyer follows:]

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AMENDMENT TO H.R. 6845

OFFERED BY M__ . _____

Page 3, line 1, insert “submitted and licenses granted in accordance therewith” after “applications”.

Page 3, line 5, strike “subsection (c)” and insert “‘September 30, 2020’ and inserting ‘September 30, 2030’”.



Ms. LOFGREN. I ask unanimous consent to dispense with the reading, and without objection, that is so ordered. And the gentleman is recognized for five minutes to explain the amendment.

Mr. BEYER. Thank you, Madam Chair, very much. I'd like to thank Ranking Member Lucas and my friend Congressman Perlmutter for allowing me to offer this poison pill amendment. Yes, the space-based commercial remote sensing is an innovative, growing industry, and according to a report released last year by the Satellite Industry Association, global commercial remote sensing services revenues grew every year from 2016 to 2020, and by twelve percent in 2019 to 2020 alone to \$2.6 billion. Commercial remote sensing is also a highly competitive global industry. It's important that our regulations and laws governing the U.S. commercial remote sensing sector are responsive to the rapid paces of changes in technology and ensure that the United States remains at the forefront of this industry while also ensuring the protection of our national security and the meeting of international obligations.

So thank you, Mr. Lucas, Mr. Perlmutter, for introducing this *Commercial Remote Sensing Act of 2022*, which increases transparency in the Department of Commerce's commercial remote sensing licensing process. This act will ensure that this Committee gets the information we need to understand and conduct oversight over that process.

So my amendment offers two minor changes to H.R. 6845, to further that the legislation can achieve its worthy goals. First change is really a technical one but serves to further improve the reporting requirement of the underlying bill by ensuring that Congress sees the tier designation as defined in recently updated regulations, a sign not only that each submitted application but also that each license ultimately granted by the Secretary of Commerce.

The second change included in my amendment would sustain the sunset of the congressional reporting requirement and change its current date from September 30th, 2020, a year and a half ago, to September 30th, 2030. This sunset is important to ensure that we go back and update the law so that the required report provides the Committee with the necessary data and information on any future changes to the licensing process or regulations as this industry rapidly grows and evolves. Just as the previous sunset helped provide Congress an opportunity to act through this very piece of legislation, I believe that continuing to maintain a sunset clause will provide a future trigger for Congress to review the commercial remote sensing licensing statute and reporting requirements again.

Again, I thank Mr. Lucas and Mr. Perlmutter for introducing this. My amendment will strengthen the underlying text to provide more transparency and continued oversight of the U.S. commercial remote sensing licensing process. Thank you, and I yield back the balance of my time.

Ms. LOFGREN. The gentleman yields back.

Do other Members wish to be heard on the amendment?

Hearing none, is there—there's no further discussion, the vote occurs on the amendment.

All in favor will say aye.

All opposed will say no.

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The ayes have it, and the amendment is agreed to.

Are there additional amendments being offered?

If not, a reporting quorum being present, I move the Committee on Science, Space, and Technology report H.R. 6845, as amended, to the House with the recommendation that the bill be approved.

Those in favor of the motion will signify by saying aye.

Opposed will say no.

The ayes have it. The bill is favorably reported.

Members will have two subsequent calendar days in which to submit supplemental minority or additional views on the measure.

